

Dated: July 9, 2019

The following is ORDERED:



A handwritten signature in black ink, reading "Sarah A. Hall".

Sarah A Hall
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In re:

DONALD J. GIULIANO and
NICOLE L. GIULIANO,

Debtors.

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Case No. 19-11979
Chapter 7

**ORDER GRANTING REPUBLIC BANK & TRUST'S MOTION FOR RELIEF
FROM THE AUTOMATIC STAY, FOR ABANDONMENT OF PROPERTY,
WAIVER OF RULE 4001, AND NOTICE OF OPPORTUNITY FOR HEARING**

[This Order Relates to the Motion at Dkt. No. 22]

Before this Court is the *Motion for Relief From the Automatic Stay, for Abandonment of Property, Waiver of Rule 4001, and Notice of Opportunity for Hearing* [Dkt. No. 11] (the "Motion") filed by Republic Bank & Trust (the "Creditor"), as secured

creditor in the above-captioned bankruptcy case. The following findings are based upon representation of undersigned counsel for Creditor.

1. The Motion was filed on June 22, 2019.
2. The Motion was electronically served in accordance with Local Bankruptcy Rules 4001-1(D) and (E) and 9013-1(J) using the Court's CM/ECF system upon those parties registered for electronic service, and via the United States Postal Service, first-class mail, postage pre-paid, to Debtor, Debtor's Counsel, the United States Trustee, all creditors in the underlying bankruptcy case, and all parties affected by the Motion or having an interest in the following real property:

Property 1:

Lot Five (5), Block Nineteen (19), SECTION THREE (3) MUSTANG HEIGHTS, an Addition to Mustang, Canadian County, Oklahoma, according to the recorded plat thereof (more commonly known as 522 S. Heights Drive, Mustang, OK 73064) ("Property 1") *See* Deed recorded with the Canadian County Clerk on January 27, 2016 at Book No. RB 4370, page 880.

Property 2:

Lot Five (5), Block Five (5), In MEADOWOOD FOURTH ADDITION to Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof (more commonly known as 1318 Verna Marie Dr., Midwest City, OK 73110) ("Property 2") *See* Deed recorded with the Oklahoma County Clerk on March 10, 2016 at Book No. 13065, page 570.

Property 3:

Lot Four (4), In Block One (1), of FOXFIRE, an Addition to Moore, Cleveland County, Oklahoma, according to the recorded plat-thereof (more commonly known as 1313 Smoking Tree Street, Moore, OK 73160) ("Property 3") *See* Deed recorded with the Cleveland County Clerk on April 6, 2016 at Book No. RB5532, page 1321.

Property 4:

Lots Twenty (20), Twenty-One (21) and Twenty-Two (22), of Block Two (2), In SPRING CREEK ACRES, an Addition to the City of Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof (more commonly known as 4712 Tinker Road, Oklahoma City, OK 73135) (“Property 4”) *See* Deed recorded with the Oklahoma County Clerk on September 24, 2015 at Book No. RE12937, page 994.

Property 5:

Lot Five (5) of Block Fourteen (14) In WIND WOOD ESTATES, SECTION 2, to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof (more commonly known as 5216 SE 84th Street, Oklahoma City, OK 73135) (“Property 5”) *See* Deed recorded with the Oklahoma County Clerk on September 24, 2015 at Book No. RE12937, page 997.

(Properties 1, 2, 3, 4, and 5 are collectively referred to herein as the “Properties”).

3. No objection has been filed or served within the time prescribed under Local Bankruptcy Rule 9013-1(D), such period having expired on July 8, 2019; and

4. The Motion may be granted pursuant to Local Bankruptcy Rule 9013-1(E).

IT IS THEREFORE ORDERED by the Court for good cause shown and for the reasons stated in the Motion, that the Motion is **GRANTED** as follows:

1. The stay imposed by 11 U.S.C. § 362 is hereby lifted and modified so that the Creditor may pursue its state law rights and remedies against the Properties;

2. The Properties are hereby abandoned from the estate, and Trustee is directed to abandon the estate’s interest in the Properties (if any) directly to the Creditor, pursuant to 11 U.S.C. § 554; and

3. The stay provision in FED. R. BANKR. P. 4001(a)(3) is hereby waived and shall not apply to this Order. The Creditor shall be entitled to immediate relief from the automatic stay imposed by 11 U.S.C. § 362 to pursue its state law rights and remedies against the Properties.

4. All findings of fact are based upon representation of counsel.

*** THE MOVANT SHALL NOTIFY ALL INTERESTED PARTIES OF THIS ORDER***

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APPROVED FOR ENTRY:

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